

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:06 CR 125-6
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
TOMAS VALDEZ-GOMEZ,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
)	<u>REFERRAL TO U. S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli, regarding the change of plea hearing of Tomas Valdez-Gomez, which was referred to the Magistrate Judge with the consent of the parties.

On May 9, 2006, the government filed a 36 count superseding indictment charging the Defendant in two of those counts, for conspiracy to smuggle Aliens into and within the United States, as defined in Title 8, United States Code, Section 1324(a)(1)(A)(v)(I), and Conspiracy to Commit Mail Fraud, Wire Fraud, Document Fraud and Structuring Financial Transactions as defined in Title 18, United States Code, Section 371 .

On April 17, 2006, a hearing was held in which Defendant Valdez-Gomez, entered a plea of not guilty before Magistrate Judge Vecchiarelli. On January 18, 2007, Magistrate Judge

Nancy Vecchiarelli received Defendant Valdez-Gomez's plea of guilty to count 3, and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered. Magistrate Judge Vecchiarelli filed her R&R on January 18, 2007.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Valdez-Gomez is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Valdez-Gomez is adjudged guilty of Count Three in violation of Title 18 Section 371.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR. _____
UNITED STATES DISTRICT JUDGE